

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:20-cv-00034

Kristina Marie Martinez,
Plaintiff,

v.

Commissioner, SSA,
Defendant.

ORDER

On May 24, 2022, plaintiff Kristina Martinez's lawyer, Ronald Honig, filed a petition to obtain approval of a fee for representing a social security claimant pursuant to 42 U.S.C. § 406(b). Doc. 26. The Commissioner filed a response declining to take a position on the reasonableness of counsel's request, as the Commissioner is not a true party in interest. Doc. 27. The motion was referred to Judge Love for findings of fact and recommendation for disposition.

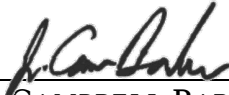
On May 31, 2022, Judge Love issued a report and recommendation, recommending that Mr. Honig's petition be granted and that the Commissioner pay the requested § 406(b) fee award to plaintiff's counsel in the amount of \$16,191.00. Doc. 28. Judge Love further recommended that, concomitant with the award of attorney fees under § 406(b), plaintiff's counsel shall refund the amount of \$5,767.51 in Equal Access to Justice Act ("EAJA") fees to plaintiff. *Id.*

Neither party has filed objections to Judge Love's report and recommendation, and the timeframe for doing so has passed. The court therefore reviews the magistrate judge's findings for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Accordingly, the report and recommendation (Doc. 28) is accepted. Mr. Honig's petition (Doc. 26) is granted, and

the Commissioner shall pay the requested § 406(b) fee award to plaintiff's counsel in the amount of \$16,191.00. Doc. 28. Concomitant with the award of attorney fees under § 406(b), plaintiff's counsel shall refund the amount of \$5,767.51 in EAJA fees to plaintiff.

So ordered by the court on June 15, 2022.



J. CAMPBELL BARKER
United States District Judge